

ADMINISTRATIVE REGULATIONS

THE BOARD OF ADJUSTMENT MEETS ON THE 1ST MONDAY OF EACH MONTH AT 6:00 P.M. IN THE WOODBURY COUNTY COURT HOUSE.

- I. Request for a VARIANCE must be submitted at least two weeks prior to the Board of Adjustment's regular meeting.
- II. APPEALS must be filed three weeks prior to the Board's regular monthly meeting.
- III. CONDITIONAL USE PERMITS must be filed three weeks prior to the Board's regular monthly meeting.

A. ABTRACTOR'S CERTIFICATE

An abstractor's certificate must accompany the petition. This certificate must include the following items:

- 1. An exact legal description of the property to be considered.
- 2. Plat showing clearly the boundaries of the property to be considered.
- 3. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners both inside the said tract and lying outside said tract but within 500 feet of its boundaries.



Variance Application

Owner Information: Owner _____ Address _____ Phone _____	Applicant Information: Applicant _____ Address _____ Phone _____				
Engineer/Surveyor _____ Phone _____					
Property Information: Property Address or Address Range _____ Quarter/Quarter _____ Sec _____ Twnshp/Range _____ Parcel ID # _____ GIS # _____ Total Acres _____ Current Use _____ Proposed Use _____ Current Zoning _____					
The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(8)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information). A formal pre-application meeting is recommended prior to submitting this application. Pre-app mtg. date _____ Staff present _____					
<p>The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and Board of Adjustment members to conduct a site visit and photograph the subject property.</p> <p>This Variance Application is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.</p> <table style="width: 100%;"><tr><td style="width: 50%;">Owner _____</td><td style="width: 50%;">Applicant _____</td></tr><tr><td>Date _____</td><td>Date _____</td></tr></table>		Owner _____	Applicant _____	Date _____	Date _____
Owner _____	Applicant _____				
Date _____	Date _____				
Fee: \$300 Case #: _____ Check #: _____ Receipt #: _____	Date Received _____				

8. Variances

A. Authority. The Board of Adjustment shall hear and decide on requests for a variance pursuant to subsection 2.01-5. D subject to the procedures, standards and conditions set out in this subsection and Section 335 of the Iowa Code.

B. Purpose. A variance is intended to provide necessary relief from the requirements of the zoning provisions of this title that would create unnecessary hardships or practical difficulties.

C. Filing.

(1) Right to seek variance. A request for a zoning variance may be filed by any person aggrieved by a provision of the zoning ordinance that limits their intended use of property.

(2) Form of application. An application for a variance shall be submitted to the zoning director and shall include at least the following information:

(a) The name and address of the property owner and the applicant;

(b) The address, if any, and the legal description of the property;

(c) The current zoning district classification;

(d) A specific description of the proposed variance including the section of this title from which a variance is requested;

(e) A map, drawn to scale, showing the subject property, all structures and other improvements, with the proposed variance identified;

(f) Statements in response to the criteria and standards for approval of variances in subsection 2.02-8. F (1) below.

(3) Fee. A filing fee, as established by resolution of the Board of Supervisors to defray administrative costs, shall accompany the notice of appeal.

(4) A certified abstractor's listing of the names and mailing addresses of all owners of real property lying adjacent to the subject property.

D. Stay of Proceedings. A request for a variance appeal shall have the effect of a temporary suspension of enforcement of the provisions of these regulations that are the subject of the variance request until the conclusion of the variance process, unless the zoning director certifies that the suspension may cause imminent peril to life or property.

E. Review and decision-making process.

(1) Hearing required. The Board of Adjustment shall conduct a public hearing on the variance request in accordance with subsection 2.02-1. B.

(2) Notification. Public notification of the Board of Adjustment hearing on the variance request shall be as required by subsection 2.02-1. B(1). Such notices shall provide information on the time, date and location of the hearing and a brief de-scription of the requested variance.

(3) Decision. Within 10 days after the public hearing the Board of Adjustment shall approve, approve with conditions or limitations, or deny the requested variance. The Board of Adjustment shall set forth findings of fact addressing the points enumerated in subsection 2.02-8. F(1) below as a basis for its action.

F. Requirements for variances:

- (1) In order to grant a variance, the Board of Adjustment must determine that:
 - (a) Granting the variance will not be contrary to the public interest or the general intent and purpose of this title in that it:
 - (i) Adversely impacts nearby properties;
 - (ii) Substantially increases congestion of people, buildings or traffic;
 - (iii) Endangers public health or safety;
 - (iv) Overburdens public facilities or services; or
 - (v) Impairs the enjoyment, use or value of nearby property.
 - (b) Granting the variance is necessary to assure that the owner does not suffer an economic hardship. (Note: Increased financial return or reduced costs to the applicant are not adequate cause for a finding of hardship.) A finding of economic hardship must be based on each of the following:
 - (i) The property cannot yield a reasonable return if used in compliance with the requirements of this title;
 - (ii) The property has unique physical constraints that result in its inability to be used in compliance with the requirements of this title; and
 - (iii) The hardship is not a result of actions by the owner.
- (2) No variance shall be granted which would permit the establishment of a use within a given district which is prohibited therein;
- (3) No variance shall be granted which is so commonly recurring that it is a defacto amendment of this ordinance; and
- (4) No variance shall be granted that is more than the minimum relief needed.
- (5) No variance shall be granted to the provisions of Section 5.03 relative to flood plain management requirements unless the Board of Adjustment considers the factors listed in subsection 5.03-9.C (4).

G. Conditional approval of variances. The Board of Adjustment may, as a condition related to approval of a variance, impose restrictions and safeguards upon the property and the variance granted if it determines the restrictions to be necessary to minimize ad-verse effects on other property or the public interest. Such conditions shall be set forth in the resolution of the Board of Adjustment granting the variance. Failure to comply with any conditions imposed on a variance approval is a violation of this title.

H. Appeal of the actions of the Board of Adjustment. Any interested party may appeal a variance decision of the Board of Adjustment in two ways.

- (1) If the Board of Adjustment approves a variance, the Board of Supervisors pursuant to Section 335.10 of the Iowa Code may remand the matter to the Board of Adjustment for further consideration at any time within 30 days.
- (2) Any aggrieved party may appeal a decision of the Board of Adjustment within 30 days as provided by Section 335.18 of the Iowa Code. Such an appeal suspends the effect of the action of

the Board of Adjustment until the appeal has been resolved. Any construction or cost incurred during the period subject to appeal is at the risk of the applicant.

Below is reproduced the portion of Woodbury County, Iowa's fee schedule relative to zoning, subdivision and floodplain development variances.

**Fee Schedule
Woodbury County Iowa
Department of Planning and Zoning
Effective August 01, 2003**

Zoning Variance -----	\$300.00
Subdivision Variance -----	\$300.00
Floodplain Development Variance-----	\$300.00

Fees payable to the Woodbury County Treasurer

Applicant Statement Re: Variance Requirements
Attachment to Woodbury County, Iowa Variance Application
Pursuant to Requirement of Zoning Ordinance Section 2.02:8.F(1) - Pages 19-20
Adopted July 22, 2008; Effective August 01, 2008

In order to grant any variance the Board of Adjustment must determine that granting the variance will not be contrary to the public interest or the general intent and purpose of the ordinances:

(If filling out form online, tab at the end of each line to continue on next line.)

Section F. (1)(a)

(i) Explain below why granting the variance will not adversely impact nearby properties:

(ii) Explain below why granting the variance will not substantially increase congestion of people, buildings or traffic:

(iii) Explain below why granting the variance will not endanger public health or safety:

(iv) Explain below why granting the variance will not overburden public facilities or services:

- (v) Explain below why granting the variance will not impair the enjoyment, use or value of nearby property:

Section F. (1)(b)

In order to explain why granting the variance is necessary to assure that the owner does not suffer an economic hardship answer the below questions. (Note: Increased financial return or reduced costs to the applicant are not adequate cause for a finding of hardship.) A finding of economic hardship is based upon each of the following questions.

- i) Explain below why the property cannot yield a reasonable return without the granting of the variance:

- ii) Explain below why the property has unique physical constraints that result in its inability to be used without the granting of the variance:

- iii) Explain below why the hardship is not a result of actions or decisions by the owner: